

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 5235 of 2005

Between:

1. Samatha Degree College, Thorrur Warangal District,
Rep.by its Principal, M.Amarender Reddy,S/o.Tirupathi Reddy,
- 2 Sai Ram Degree College, Thorrur Warangal District Rep.by its
Correspondent V.Ravindranath S/o.Ramalingaiah
- 3 Sri Aurobindo Educational society, Thorrur, Warangal District, Rep.by its
President, A.Devender Reddy, S/o.Krishna Reddy.

..... PETITIONERS

AND

- 1 A.P.State Council for Higher, Education, Saifabad, Hyderabad, Rep.by its
Secretary.
- 2 Kakatiya University, Warangal, Rep.by its Registrar.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ or writs, order or direction, declaring the notification dt.24-11-2004 issued by first respondent, which was published in Telugu newspapers on 25-11-2004, as illegal, arbitrary, and contrary to the provisions of A.P.Education Act: Award costs and pass such other or further orders as are deemed fit and proper in the circumstances of the case.

Counsel for the PetitionerS:MR.N.SRIDHAR REDDY

Counsel for the Respondents: MR.C.SUDESH ANAND

The Court at the admission stage made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.5235 OF 2005

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ORDER :

The petitioners seek a declaration that the notification, dated 24-11-2004 issued by the 1st respondent is arbitrary, illegal and contrary to the provisions of the A.P. Education Act.

The petitioner institutions are the recognised Degree Colleges being run at Thorrur in Warangal District. They are aggrieved by the notification, dated 24-11-2004, under which applications are invited from the Registered Educational Societies / Colleges for starting new Private Unaided Degree Colleges during the academic year 2005-2006. The petitioners state that the colleges already established at Thorrur are catering to the needs of the student community and there is no need for establishing any other Degree Colleges at present. It is also stated that as per the Rules framed under G.O.Ms.No.29, Education Department, dated 05-02-1987 no permission should be granted to the new institutions if the educational needs of the locality are adequately served. It is contended that the first respondent, while issuing the impugned notification, failed to consider the abovesaid aspects and therefore they made detailed representations stating that granting permission for establishment of new colleges in Thorrur would result in unhealthy and competition among the institutions. Since there was no response, the petitioners made another detailed representation dated 7-3-2005 reiterating that the establishment of new educational institutions under the impugned notification is unwarranted and that the same would put the existing colleges into financial constraints. It is alleged that the respondents failed to consider the said representations and have been taking further steps in pursuance of the impugned notification. Hence, this writ petition.

Since the detailed representation made by the petitioners raising objections against the establishment of new institutions at Thorrur in pursuance of the impugned notification is pending before the respondents, it is not necessary for this Court to go into the merits of the case, but it would be appropriate to dispose of the writ petition

directing the respondents to consider the said representation of the petitioners, which was received by the respondents on 7-3-2005, before taking any decision for grant of permission to new colleges.

Accordingly, the Writ Petition is disposed of with a direction to the respondents to consider the objections raised by the petitioners in their representation dated 7-3-2005 before taking any decision for grant of permission to new colleges in Thorrur on the basis of the impugned notification dated 24-11-2004.

The Writ Petition is accordingly disposed of. No costs.

16th March, 2005.

Note:- CC in two days.

(B/O)

JSU

To

- 1 The Secretary, A.P.State Council for Higher, Education, Saifabad, Hyderabad.
- 2 The Registrar, Kakatiya University, Warangal.

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